



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

TO: Barry E. Hill, Director, Office of Environmental Justice ("OEJ")
Office of Enforcement and Compliance Assurance ("OECA")

FROM: Theodore J. Kim, Legal Counsel, OEJ/OECA /s/ *Ted Kim*

DATE: October 19, 2006

RE: "Environmental Justice in the News" for the Week Ending October 20,
2006

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This memorandum summarizes select environmental justice news actions for the period beginning September 29, 2006 through the week ending October 20, 2006. The summary is limited to Lexis/Nexis searches conducted using the query: "(environment! w/2 (justice or racism or equity or disproportionate or disparate)) or (environment! w/25 minorit! or low***income) or (executive order 12898) or (civil right! w/25 environmental) or ("fair housing act" w/25 (environment! or zon!))." Please note that articles on international or foreign-based environmental justice issues were not included.

1. **News Items.**

The following news was particularly noteworthy:

- **"Target Stores' PVC Use Challenged," Connecticut Post Online (Oct. 12, 2006).** According to the article, the Fairfield County Environmental Justice Network ("Network") passed out fliers on October 11, 2006 in front of a Target Store as part of a national effort "to get the retail chain to rid its stores of polyvinyl chloride" ("PVC"). The Network is part of the Connecticut Coalition for Environmental Justice, which seeks to "protect urban environments through education and promotion of policy changes . . . as well as [promotion of] individual, corporate and governmental responsibility toward the environment." The Network asserted that PVC, which is used in packaging and other items, like shower curtains, "is linked to cancer and other health concerns." In response, Target noted its "solid track record of environmental stewardship" and expressed its commitment "to exploring alternatives to PVC."

- **“Petitioners Oppose Ethanol Plant Site,” Clovis News Journal (N.M. Oct. 12, 2006).** According to the article, two concerned citizens asserted that “[g]oing ahead with the proposed site for an ethanol plant near Clovis could violate a state mandate protecting the rights of low-income and minority residents” by unfairly jeopardizing “the property value and the health of low-income and minority residents who live near the proposed site.” The citizens further stated that the plan goes against New Mexico’s Environmental Justice Executive Order, which Governor Bill Richardson signed in 2005. The proposed plant is near a neighborhood of mostly mobile and trailer homes comprised of predominantly minority residents. A spokesperson for the New Mexico Environment Department, however, stated that the environmental justice order has not been violated since the permitting process for the plant remains pending.
- **“Toxic Pollution in Our Backyard,” National Public Radio (Oct. 10, 2006).** The article sets forth a transcript of a conversation on toxic dumping in poor neighborhoods from the show “News & Notes.” The conversation was with the President of the African American Environmentalist Association, Norris McDonald, who discussed efforts of poor black communities to “stop toxic facilities from polluting in their backyards,” including in Washington D.C. Specifically, Mr. McDonald discussed the pollution at the Washington Navy Yard, where toxins were dumped in the Anacostia River and adversely affected African-American communities in Ward 7 and Ward 8. In addition, he articulated his view that the issue of environmental racism was about race and low-income people, which represented “the paths of least resistance,” since these groups cannot protect themselves.
- **“Poor, Black, and Dumped On,” Inside Bay Area (CA Oct. 8, 2006).** The article discussed the issue that “for decades . . . black people, other ethnic minorities and some poor whites have been getting sick and enduring horrible deaths from the filth they breathe, eat, drink, and otherwise ingest from the garbage dumps, landfills, incinerators, toxic waste sites, oil refineries, petrochemical plants, and other world-class generators of pollution that have been deliberately and relentlessly installed in the neighborhoods where they live, work, worship, and go to school.” The article then specifically discussed the situation in Anniston, Alabama, where a chemical plant that produced thousands of pounds of polychlorinated biphenyls (“PCBs”) was placed in a neighborhood that was mostly black and poor. The article noted that the residents were uninformed of the potential danger and, some “were later found to have the highest concentrations of PCBs in their bloodstreams of anyone ever tested.” The author articulated his view that an “enormous amount of data has been compiled showing that government and industry alike have used black and poor neighborhoods as dumping grounds for the vilest and most dangerous pollutants.” The author then concluded that the “message to

blacks and others struggling with these hideous policies could not have been clearer: We are not in the least interested in you.”

- **“Group Pushes Local Control to ADEM,” Montgomery Advertiser (AL Oct. 7, 2006).** *See also* **“Environment Panel Divided on Strategy,” Birmingham News (AL Oct. 7, 2006) at 2D.** According to the first article, the Reform Coalition of the Alabama Department of Environmental Management (“ADEM”) presented a “new blue print for improving [ADEM on October 6, 2006] . . . that includes giving more power to local governments to enforce environmental regulations.” In addition, the “Blueprint for ADEM Reform” (“Blueprint”) also provided recommendations for “creating a division that will protect the interests of low-income and minority communities affected by environmental policies.” The Blueprint specified that the new “environmental justice unit” “would identify the impacts of [ADEM’s] action on low-income communities . . . [and] would prevent and remedy actions that have affected these areas adversely.” In addition, the Blueprint would ensure that poor and minority communities have input into environmental programs. The second article, however, discussed the fact that the Environmental Management Commission sent the draft plan back to committee, which frustrated members of the Reform Coalition.
- **“National Leader in Environmental Justice Movement to Speak at University of Richmond,” U.S. States News (Oct. 6, 2006).** According to the article, Vernice Miller-Travis will lecture on “A Woman’s Worth: Race, Gender, and Class in the Environmental Justice Movement,” at the University of Richmond on September 25, 2006. Ms. Miller-Travis, “[a] leading figure in the national environmental justice movement, . . . is Executive Director of Groundwork USA, which helps communities impacted by brownfields and other derelict land issues improve their environment, economy and overall quality of life.” In her lecture, Ms. Miller-Travis “will explore the challenges working-class women of color face in addressing the environmental issues in their communities.”
- **“Costs Emerge as Key Dispute Over San Joaquin Valley Ozone Plan,” Inside Cal/EPA (Oct. 6, 2006).** According to the article, the draft San Joaquin Valley 2007 Ozone Plan (“Plan”), which was released on October 2, 2006, has environmentalists “concerned the Plan will result in less pollution reduction in minority, low-income rural agricultural areas and will include inadequate enforcement of regulations.” The Plan contains numerous regulatory, as well as voluntary, measures that aid the San Joaquin Valley Air District to reduce nitrogen oxides and volatile organic compounds by 60%, or 480 tons a day, which represents the new eight-hour federal ozone standard. However, cost disputes over such issues as reducing emissions by certain deadlines have hampered the Plan. The disputes will likely continue over the next few months.

- **“Toxic Discrimination; Tallevast Residents Should Demand Fuller Probe,” Bradenton Herald (FL Oct. 6, 2006) at 12. *See also* “Residents Angered by State’s Findings; Reverend Says Toxic Plume Is Example of ‘Environmental Racism,’” Bradenton Herald (FL Oct. 3, 2006) at 1.** According to the articles, the Florida Department of Environmental Protection’s (“DEP”) decision not to further investigate a toxic waste plume in Tallevast, Florida represents an “example of environmental racism” to angry residents. The residents expressed particular concern that DEP accepted the data of Lockheed Martin Corporation (“Lockheed”), who is responsible for cleaning up the plume, which indicated that the plume “poses no threat to [the residents’] health or property values.” The residents distrust Lockheed’s findings, as well as DEP’s motives for closing the investigation, because they believe that the response “fits a pattern all too prevalent throughout the Nation where minority communities are surrounded by toxic waste.” According to the article, Wilma Subra, a “well-known chemist and environmental activist,” reviewed Lockheed’s data and found that Lockheed “failed to define the depth of the plume . . . [nor] . . . addressed how the plume is affecting the health of Tallevast residents.”
- **“Residents Fret Over Wellness Concerns,” San Antonio Express-News (Oct. 4, 2006) at 1SE.** According to the article, residents near Port San Antonio, which was formerly Kelly Air Force Base, met on September 23, 2006 with representatives of city and state agencies to discuss wellness issues, as well as potential solutions to current problems in the area. The meeting represented the second of three roundtable discussions that the Kelly Area Collaboration sponsored as part of an initiative of the Interagency Working Group of Environmental Justice. The meeting focused on “the need for more studies on possible contaminants and their link to health problems, increased communication with the community and public health education.”
- **“Poisoned on Eno Road,” Chattanooga Times Free Press (TN Oct. 3, 2006) at B6.** The article discusses a family in Tennessee who live in the small, rural, and mostly black Eno Road community adjacent to a government-owned landfill. The Holt family apparently drank well water, which they believe contained “poisons that seeped for so long from the landfill into the groundwater [and led to] . . . potentially deadly diseases that have struck several members of the family.” According to the article, the Holts “were not just unaware that their water was contaminated; they had been assured by federal environmental officials way back in 1991 that the water had been tested and was safe to drink.” In addition, the Holts, who are black, claimed that they were never warned of any danger, while the government warned white families that the water was contaminated and gave them an alternate source of drinking water. The article claimed that white people used to dump their garbage in Eno Road. The Holts have filed a lawsuit seeking to restitution for their claims.

- **“Nagin Issues City-Work Mandate; Minority-Owned, Local Firms Get Help,” Times Picayune (Oct. 3, 2006) at 1. See also “Minority, Female Firms Bolstered; Nagin Issues Orders to Ensure Opportunities,” Times Picayune (Sept. 30, 2006) at 1.** According to the articles, New Orleans Mayor Ray Nagin signed three Executive Orders on September 21, 2006. Of particular interest was Executive Order CRN 06-17, which intended to “ensure environmental justice in the planning and rebuilding of New Orleans,” in light of criticism that some minority communities alleged after Hurricane Katrina that they were “the victims of environmental injustice.” The Executive Order required the assessment of “any project that uses city money or qualifies for city waivers of taxes or fees.” Specifically, such project would be assessed for how it “might affect the environment, particularly in predominately minority communities.” In addition, the Executive Order “calls on the Chief Administrative Office and City Planning Commission to come up with an ‘environmental justice’ policy and regulations that deal with this issue.”
- **“Struggling Town Wants Landfill; Need for Jobs Leaves Little Affinity for State’s 1-Year Moratorium,” Charlotte Observer (Oct. 2, 2006) at 3B.** According to the article, the moratorium on new landfills in North Carolina that took effect in August has hurt some towns and other poor rural communities economically. For instance, Navassa, a predominantly African-American community, has been unable to recruit Sims Hugo Neu, a scrap-metal recycler based in the United States, to use its landfill in exchange for \$25 million and approximately 40 new jobs. The moratorium seeks, among other things, to study “what economic factors have caused landfills to locate in the low-income and minority communities.”
- **“New Environmental Justice Coordinator Takes Position at Alabama Department of Environmental Management,” U.S. States News (Oct. 2, 2006).** According to the article, the Alabama Department of Environmental Management (“ADEM”) has named Elvin D. Lang to serve as its Environmental Justice Ombudsman and Coordinator. Prior to beginning this new job, which took effect on October 1, 2006, Mr. Lang had previously worked for ADEM for 30 years. According to the press release announcing Mr. Lang’s appointment, ADEM’s focus will be “on developing an appropriate [environmental justice] program for all of Alabama.”
- **“Officials: Make Rail Top Priority; Trains: The San Bernardino Mayor Seeks to Reduce The Noise and Traffic Jams They Create,” Press Enterprise (Riverside, CA Sept. 28, 2006) at B1.** According to the article, environmental justice advocates articulated their opposition to Prop 1B at the “Goods Movement Summit” on September 27, 2006. Prop 1B, which is Governor Arnold Schwarzenegger’s transportation bond on the November ballot, “calls for \$20 billion to fund road and rail line

improvements.” The environmental justice groups, however, believe that the Bill will further inundate the communities with more diesel pollution and other bad health effects.

- **“A Chance to Question Arsenic Cleanup,” Star Tribune (MN Sept. 27, 2006).** According to the article, residents in southern Minneapolis met with officials from the United States Environmental Protection Agency (“EPA”) on September 26, 2006 to discuss the fact that their neighborhoods were scheduled to be added to the Superfund list due to arsenic contamination. The residents primarily wanted to know why numerous people were getting sick; however, an EPA official noted that all parks and public schools in the area were tested and showed low arsenic levels. In addition, the official assured the residents that EPA was moving “as quickly as possible to test and clean up contaminated yards.” Environmental justice groups were not satisfied and believe that the contaminated yards should be replaced, not merely cleaned. In addition, they called for a “right-to-know” ordinance that will inform new homeowners, renters, and landlords of any arsenic test results.
- **“Kerr-McGee Did Not Give City All Facts, Lawyer Says,” Hattiesburg American (MI Sept. 26, 2006) at 1A.** According to the article, residents of Hattiesburg, Mississippi believe that their officials lacked necessary information when agreeing to a drainage ditch improvement and creosote remediation project in 2001. The residents, however, believe that Kerr-McGee had “tricked” the City in terms of providing information that the Mississippi Department of Environmental Quality (“Department”) used in implementing a remediation plan. The Department has been criticized for failing to provide adequate information on the project, particularly by black leaseholders of the land that was affected. The Department refuted such claims and articulated its willingness to meet with any residents and discuss the cleanup at the site.
- **“Midland Plant Brings Environmental Racism,” Post-Standard (Sept. 26, 2006) at A11.** The editorial discussed the history of unjust actions towards the black community in Syracuse and specifically focused on the situation at the Midland Sewage Plant, which the author believes represented “another way to oppress a group of individuals.” The author, who once lived across the street where the plant was erected, contended that placement of the plant “in the middle of an area where traffic consistently ran . . . [was] environmental [and institutional] racism.” Specifically, she asserted that a “disservice was done to the individuals who lived/live in the [black] community . . . [because the] county is willing to dump harmful sewage into the inner city, but not anywhere else.” The editorial concluded by criticizing EPA and calling for the Agency to be reprimanded.

- **“Court Halts Environmental Group’s Bid to Close Berkeley Steel Foundry,” Inside Bay Area (CA Sept. 22, 2006).** According to the article, a federal court in San Francisco denied a request that the Communities for a Better Environment (“CBE”) filed in July seeking a preliminary injunction that could have closed Pacific Steel Casting after 30 days. CBE, an Oakland environmental health and justice organization, filed a lawsuit under the Clean Air Act against Pacific Steel Casting claiming that the foundry exceeded acceptable levels of emissions. Accordingly, the lawsuit sought to force the foundry to close permanently. In denying the injunction request, the court concluded that CBE did not prove it would succeed in proving a permit violation occurred and that harm was “not the type that would normally impel a court to grant [CBE’s] request.” Residents and merchants near the foundry claimed that strong odors emanated from the plant and made them sick. The judge told CBE and Pacific Steel Casting to prepare for a trial, which may take place this year.

2. **Recent Litigation.**

- No noteworthy **Recent Litigation** was identified for this period.

3. **Regulatory/Legislative/Policy.**

The following items were most noteworthy:

A. **Federal Congressional Bills and Matters.**

- **S. 4009, introduced on September 29, 2006 by Senator Robert Menendez (D-N.J.). *Status: Read Twice Referred to Senate Committee on the Judiciary on September 29, 2006.*** The Bill, known as the “Environmental Justice Enforcement Act of 2006,” seeks to “restore, reaffirm, and reconcile legal rights and remedies under civil rights statute.” Specifically, the Bill purports to overturn the Supreme Court’s decision in *Alexander v. Sandoval*, 532 U.S. 275 (2001), which raised “the bar for private parties seeking to bring civil rights litigation against government by requiring plaintiffs to demonstrate an agency decision intentionally discriminated against minorities.” The Court’s holding in *Alexander* “made it difficult for the public to bring suit under Title VI of the Civil Rights Act, which courts had previously interpreted to require plaintiffs to show proof that agency policies disproportionately harm disadvantaged communities, without addressing intent.”
- **S. 4024, introduced on September 29, 2006 by Senator Bill Frist (R-TN). *Status: Read twice and referred to the Senate Committee on Health, Education, Labor, and Pensions on September 29, 2006.*** The Bill, known as the “Minority Health Improvement and Health Disparity

Elimination Act,” seeks to “amend the Public Health Service Act to improve the health and healthcare of racial and ethnic minority and other health disparity populations.” Among other things, the Bill defines a Health Disparity Population in Section 2(B)(2) and a “minority group” in Section 2(B)(4). In addition, Section 793(B) of the Bill requires the establishment of Health Disparities Measures, which shall consider health disparity indicators. Further, Section 103 articulates that workforce training shall be implemented to achieve diversity. Section 399(R) also provides for awarding grants “to assist communities in mobilizing and organizing resources in support of effective and sustainable programs that will reduce or eliminate disparities in health and healthcare experienced by racial and ethnic minority individuals.”

- **H.R. 6219, introduced on September 27, 2006 by Congressman Frank Pallone, Jr. (D-N.J.). Status: Referred to House Committee on Energy and Commerce on September 27, 2006.** The Bill, known as the “Toxic Right-to-Know Protection Act,” would amend the Emergency Planning and Community Right to Know Act of 1986. Specifically, it would strike any provision regarding the modification of reporting frequency. In addition, it calls on the Administrator of EPA to establish the eligibility threshold regarding the “use of a Form A certification statement . . . at not greater than 500 pounds for nonpersistent bioaccumulative and toxic chemicals.” Further, it sets forth that EPA’s Administrator would not “implement the proposed rule . . . dated October 4, 2005 (70 *Fed. Reg.* 57,822), to revise requirements under the toxic release inventory program.”
- **H.R. 6275, introduced on September 29, 2006 by Congresswoman Donna M. Christensen. Status: Referred to House Education and the Workforce Committee on September 29, 2006.** The Bill, known as the “Health Equity and Justice Act of 2006,” seeks to improve the health of minority individuals. Among other things, Subtitle B of Title IV, “Accountability and Evaluation,” seeks to improve environmental justice. It defines environmental justice as “the fair treatment of people of all races, cultures, and socioeconomic groups with respect to the development, adoption, implementation, and enforcement of laws, regulations, and policies affecting the environment.” It also defines fair treatment as “policies and practices that will minimize the likelihood that a minority, low-income, or Native American community will bear a disproportionate share of the adverse environmental consequences, or be denied reasonable access to the environmental benefits, resulting from implementation of a Federal program or policy. Section 422, “Environmental Justice Responsibilities of Federal Agencies,” sets forth the mission of environmental justice, which is: “to the greatest extent practicable, the head of each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as

appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations in the United States and its territories and possessions, including the District of Columbia, the Commonwealth of Puerto Rico, Virgin Islands, Guam, and the Commonwealth of the Mariana Islands.” Section 423 seeks to create an Interagency Environmental Justice Working Group (“Group”), which is composed of 14 members, including EPA’s Administrator, and sets forth the Group’s functions, which includes, among other things, “providing guidance to federal agencies on criteria for identifying disproportionately high and adverse human health or environmental effects on minority, low-income, and Native American populations; . . . coordinat[ing] with, provid[ing] guidance to, and serv[ing] as a clearinghouse for, each Federal agency as it develops or revises an environmental justice strategy as required by this subtitle; [and] examin[ing] existing data and studies on environmental justice.” The Bill requires the Group to submit a report at the beginning of each fiscal year of final environmental justice strategies. The report will also outline the annual progress towards meeting these strategies, which are set forth in Section 424. Section 425 establishes a Federal Environmental Justice Advisory Committee, which “shall provide independent advice and recommendations to the Environmental Protection Agency and the Working Group on areas relating to environmental justice.” The Bill then specifies the type of advice. The Federal Environmental Justice Advisory Committee will meet at least twice annually.

- No noteworthy “*Miscellaneous House and Senate Congressional Record Mentions of Environmental Justice*” were identified for this time period.
- **Federal Register Notices.**
 - **DOD, Intent to Prepare a Draft Environmental Impact Statement/Environmental Impact Report (“EIR”) for a Permit Application for the Carryover Storage and San Vicente Dam Raise Project, San Diego County, CA, 71 Fed. Reg. 59,499 (Oct. 10, 2006).** The Los Angeles District of the United States Army Corps of Engineers (“Corps”) of the United States Department of Defense (“DOD”) announced its intent to prepare an Environmental Impact Statement (“EIS”) and Environmental Impact Report (“EIR”) to evaluate “the environmental effects associated with raising San Vicente Dam beyond the permitted height of the Emergency Storage Project (“ESP”), to provide additional reservoir capacity for carryover storage.” Included among the significant issues to be analyzed in the Draft EIS/EIR is environmental justice.

- **DOI, Final Environmental Impact Statement for the Elk Valley Rancheria’s Proposed 203.5 Acre Martin Ranch Fee-to-Trust Transfer and Casino/Resort Project, Del Norte County, CA, 71 Fed. Reg. 59,127 (Oct. 16, 2006).** The Bureau of Indian Affairs (“Bureau”) of the Department of the Interior announced its intent to file a Final EIS (“FEIS”) with EPA for “the proposed approval of a 203.5 acre fee-to-trust transfer and casino/resort complex in Del Norte County, California.” The Bureau also announced that the FEIS is now available to the public and that any comments are requested by November 6, 2006. The FEIS will address various environmental issues, including environmental justice. The Record of Decision on the proposed action will be issued on or after November 7, 2006.
- **DOC, Protection of Marine Mammals; Notice of Intent to Prepare an Environmental Impact Statement, 71 Fed. Reg. 57,923 (Oct. 2, 2006).** The National Marine Fisheries Service (“NMFS”) of the United States Department of Commerce’s (“DOC”) National Oceanic and Atmospheric Administration (“NOAA”) announced its intent to prepare an environmental impact statement (“EIS”) and hold public scoping meetings “to assess the potential impacts on the human environment resulting from proposed regulations to protect wild spinner dolphins (*Stenella longirostris*) in the main Hawaiian Islands from ‘take,’ as defined in the Marine Mammal Protection Act (“MMPA”) and its implementing regulations.” Four public scoping meetings will be held and public comments are due by November 24, 2006. With regard to the meetings, NMFS is particularly interested in hearing comments from, among others, minority and low-income populations.

B. State Congressional Bills and Matters.

- **California, Senate Bill 1379, introduced on February 21, 2006 by Senator Don Perata (D-District 9). Status: Enrolled. Approved by the Governor and Chaptered by Secretary of State on September 29, 2006.** The Bill requires the California Department of Health Services to establish the California Environmental Contaminant Biomonitoring Program (“Program”) to monitor the presence and concentration of designated chemicals in Californians. The Program establishes a Scientific Guidance Panel, with 16 members. One of the 16 members shall have expertise in environmental justice.
- **California, Senate Bill 1505, introduced on February 23, 2006 by Senator Alan S. Lowenthal (D-District 27). Status: Enrolled. Approved by the Governor and Chaptered by Secretary of State on September 30, 2006.** This Bill declares the Legislature’s intent that when

the California Hydrogen Highway Network Blueprint Plan is implemented, it will be done in a clean and environmentally responsible and advantageous manner. The Bill would require the State Air Resources Board to adopt regulations that will ensure that state funding for the production and use of hydrogen contributes to the reduction of greenhouse gas emissions, criteria air pollutants and toxic air contaminants. The Bill includes, among other things, a requirement that the California Environmental Protection Agency's Environmental Justice Advisory Committee meet at least once annually to discuss the production and distribution of hydrogen fuel in the State.

- **California, Assembly Bill 32, introduced on December 6, 2004 by Congressman Fabian Nunez (D-District 46). Status: Enrolled. Approved by the Governor and Chaptered by Secretary of State on September 27, 2006.** This Bill enacts the California Global Warming Solutions Act of 2006 and would create the California Greenhouse Gas Council ("Council"). The Council would coordinate the development and implementation of the State Agency Greenhouse Gas Emission Plan. The Bill requires the Council to consult with, among others, the environmental justice community, and the Council should conduct "its activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations, and low-income populations of the State." In addition, the Bill requires the California Air Resources Board ("CARB") to adopt regulations by January 1, 2008 and establish a program to report and verify statewide greenhouse gas emissions. Further, the Bill authorizes CARB to adopt, on or before January 1, 2008, a statewide greenhouse gas emissions limit to be achieved by 2020.
- **California, Assembly Bill 1430, introduced on February 22, 2005 by Assemblywoman Jackie Goldberg (D-District 45). Status: Enrolled. Approved by the Governor and Chaptered by Secretary of State on September 30, 2006.** The Bill amends the existing law that "requires the State Air Resources Board to develop and adopt, at a public hearing, a methodology for use by air pollution control districts and air quality management districts to calculate the value of credits issued for emissions reductions from stationary, mobile, indirect, and areawide sources . . . when those credits are used interchangeably, with certain requirements." In addition, the law mandated that the State Air Resources Board periodically update the methodology. AB 1430 would "require the state board's environmental justice advisory committee to review each updated methodology."
- **California, Assembly Bill 2144, introduced on February 21, 2006 by Assembly Member Cindy Montanez (D-District 39). Status: Enrolled. Approved by the Governor and Chaptered by Secretary of State on**

September 28, 2006. The Bill amends certain sections of California's Health and Safety Code, while adding a section to the State's Water Code. Specifically, the Bill requires a bona fide purchaser, innocent landowner, or contiguous property owner, who seeks immunity from response costs or damage claims relating to a site in an urban landfill area, to enter into an agreement with an agency to perform a site assessment and, if necessary, prepare and implement a response plan. The Bill defines "agency" to mean the Department of Toxic Substances Control, the State Water Resources Control Board, or a California regional water quality board. Included among other Bill requirements was the mandate that the agency consider environmental justice issues for the most-impacted communities, including low-income and racial minority populations, and provide certain information regarding the site decision process.

- **State Regulatory Alerts.**

- No noteworthy **State Regulatory Alerts** were identified for this period.